

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

VAFA SHAMSAI-NEJAD,

Plaintiff,

vs.

BALLY'S HOTEL EMPLOYMENT OFFICE,
et al.,

Defendants.

Case No. 2:12-cv-01206-JCM-PAL

**REPORT OF FINDINGS AND
RECOMMENDATION**

This matter is before the court on Plaintiff Vafa Shamsai-Nejad's failure to comply with the Court's Order (Dkt. #2). On July 9, 2012, Plaintiff filed an incomplete Application to Proceed In Forma Pauperis (Dkt. #1). The court could not determine whether Plaintiff qualified to proceed in forma pauperis. On July 31, 2012, the court entered an Order denying Plaintiff's application without prejudice, directing the Clerk of Court to mail Plaintiff a new application, and allowing Plaintiff to file a completed application or pay the \$350 filing fee on or before August 30, 2012. *See* Order (Dkt. #2). The Order also advised Plaintiff that failure to comply would result in a recommendation to the district judge for dismissal. Plaintiff has not complied or requested an extension of time in which to comply.

Accordingly,

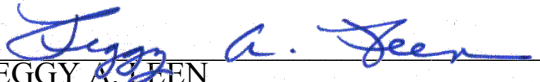
IT IS RECOMMENDED that Plaintiff's Application to Proceed *In Forma Pauperis* be DENIED and this action be DISMISSED without prejudice to the Plaintiff's ability to commence a new action in which Plaintiff either pays the appropriate filing fee in full or submits a completed application to proceed *in forma pauperis*.

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1 **IT IS FURTHER RECOMMENDED** that the Clerk of the Court enter judgment accordingly.

2 Dated this 24th day of September, 2012.

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5 PEGGY A. LEEN
6 UNITED STATES MAGISTRATE JUDGE

7 **NOTICE**

8 These findings and recommendations are submitted to the United States District Judge assigned
9 to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being
10 served with these findings and recommendations, any party may file written objections with the court.
11 Pursuant to Local Rule of Practice (LR) IB 3-2(a), any party wishing to object to the findings and
12 recommendations of a magistrate judge shall file and serve *specific written objections* together with
13 points and authorities in support of those objections, within fourteen days of the date of service of the
14 findings and recommendations. The document should be captioned "Objections to Magistrate Judge's
15 Findings and Recommendations." The parties are advised that failure to file objections within the
16 specified time may waive the right to appeal the District Court's Order. *Martinez v. Ylst*, 951 F.2d 1153
17 (9th Cir. 1991). The points and authorities filed in support of the specific written objections are subject
18 to the page limitations found in LR 7-4.